



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 5

### NOISE NUISANCE

#### *Summary procedure for dealing with noise from certain places*

#### **42 Revocation or variation of resolution under section 41**

- (1) A local authority may by resolution—
  - (a) revoke the resolution made for the purpose of section 41(1);
  - (b) revoke any noise control period specified in that resolution; or
  - (c) specify noise control periods—
    - (i) in addition to; or
    - (ii) in substitution for,any such noise control period.
- (2) A resolution under subsection (1) shall specify a date (being a date at least 2 months after the passing of the resolution) on which the provision made by the resolution shall come into effect (the “effective date”).
- (3) If a local authority passes a resolution under subsection (1), it shall—
  - (a) cause a notice to be published (in consecutive weeks with the second notice appearing at least a month before the effective date) in a local newspaper circulating in its area; and
  - (b) at least a month before the effective date—
    - (i) give a copy of the resolution to the Scottish Ministers; and
    - (ii) give a copy of the notice mentioned in paragraph (a) to each local authority whose area adjoins its area.
- (4) A notice published under subsection (3)(a) shall—
  - (a) state that the resolution has been passed;
  - (b) state the effective date; and

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*Status: This is the original version (as it was originally enacted).*

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- (c) set out the provision made by the resolution.
- (5) Where a local authority is given a copy of a notice under subsection (3)(b)(ii), it shall take such steps as it considers necessary for the purpose of making persons in its area aware of the contents of the notice.